(3)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH,

AT BILASPUR

W.P 44/2001

Smt. T. Pariera,
W/o Late Lourence Pariera
R/o C/o D'souza Wilson,
Near BATA Showroom,
Station Road,
DURG (CHHATTISGARH) — PETITIONER

V/S

1. Secretary,
Ministry of Labour
Govt. of Chhattisgarh
RAIPUR

2. Appellate Authority under
Payment of Gratuity Act,
O/o the Dy. Labour Commissioner,
RAIPUR

P. R. No. 37/2001
Presented by Shri R.N. Vyas
dated 8-1-2001

3. Secretary,
B.S.E.& T.T.
M.P. C.N.I.
C/o Principal,
Salem English Higher Sec. School
RAIPUR

4. The Principal,
Salem English Higher Sec. School,
RAIPUR — RESPONDENTS

PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA FOR ISSUE OF WRIT OF MANDAMOUS, CIRTIORARY, OR DIRECTION OR WRIT OF LIKE NATURE.

XI-HC-22

High Court of Chhattisgarh
~~उच्च न्यायालय, मध्यप्रदेश, जबलपुर~~

(31)

आदेश पत्रक

W.P.No.44/2001

मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.01.2001 Heard Shri H.N.Vyas, learned counsel for petitioner. Dr. N.K.Shukla for respondents/State. The matter ~~concerns~~ delay in disposal of appeal No.189/PCA/99 before the Appellate Authority i.e. Dy. Labour Commissioner, Raipur. It is submitted by the counsel for petitioner, that the said authority on one pretext or the other has delayed the disposal of the said appeal. One reason which has caused the delay, as is stated by the learned counsel is, that the case record of this particular appeal has been misplaced and has not been traced out. It appears that on this ground disposal of the appeal ~~delay~~ delayed could not have been ~~disposed of~~. If certain case record is misplaced, it should be reconstructed. Under no circumstances can a case ~~xxx~~ be kept pending on a ground that case file is not traceable. On ~~perusal~~ perusal of the averments made in this writ petition and after hearing counsel representing the parties, I am of the view that	

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

it would be fair and reasonable if this writ petition is disposed of as follows:-

(i) Both the parties shall appear before Respondent No.2 on 22nd January, 2001 on which date the respondent No.2 shall fix the date of hearing in presence of the parties;

(ii) Every endeavour shall be made to dispose of the appeal within a period of one month from the date of appearance of the parties before the Appellate Authority and at any rate, not later than 45 days from the date of appearance;

(iii) The petitioner shall serve copy of this order upon Respondents ~~No~~.2 and 3 ~~forthwith~~ by 19th January, 2001.

(iv) ~~If~~ reconstruction of the case record becomes necessary, the petitioner shall extend every possible co-operation in the matter.

The petition is disposed of accordingly.

Sd/-
Chief Justice

19-01-2001

DLR/lc.